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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,880	11/26/2001	Yoshiaki Nanko	SN-US015166	3242

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EXAMINER

MCANULTY, TIMOTHY P

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,880

Applicant(s)

NANKO, YOSHIKI

Examiner

Timothy P McAnulty

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 10 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-13 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 and 11-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,099,425 to Kondo (Kondo '425) in view of US Patent No. 3,730,012 to Juy (Juy '012).

Kondo '425 discloses in figure 4, a front derailleur for a bicycle comprising a fixed member 30 having a curved mounting portion coupled to a frame having a first mounting flange 50 and a second mounting flange 52 spaced apart from said first mounting flange; a chain guide 32; a linkage assembly having a first link 81 having a cable attachment portion 22 coupled to said fixed member at a first pivot point defining a first pivot axis, a second link 43 coupled to said first and second mounting flanges defining a second pivot axis passing through said first and second mounting flanges, and a third link 66,67 coupled to said first and second links, and a biasing member 35; wherein said first pivot axis is substantially coincident with a center plane of said frame that extends substantially parallel to said first pivot axis; wherein said first mounting flange is located on a first side of a plane which passes through a center of said curved mounting portion and is perpendicular to said second pivot axis; and wherein said second mounting flange is located on a second side of said plane opposite said first mounting flange. Kondo '425 does not disclose said first and second mounting flanges having different axial widths as measured along said second pivot axis. However, Juy '012 teaches in figure 2 a front derailleur

Art Unit: 3682

comprising, *inter alia*, a first mounting flange and a second mounting flange having different axial widths. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Kondo '425 in view of the teachings of Juy '012 to provide said first and second mounting flanges with different axial widths so as to increase the strength of one of said flanges relative to the other of said flanges.

Regarding claims 3-8, 11-13, and 16, the reference combination previously set forth does not disclose the specific dimensional relationships as claimed of the elements. However, the actual dimension is merely a matter of engineering design choice and the level of skill of one of ordinary skill in the art would produce a similar optimization, especially lacking any evidence to the contrary, i.e., unexpected results.

Furthermore, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

In re Aller, 10 USPQ 233 (CCPA 1955).

Allowable Subject Matter

3. Claims 9, 10, and 15 are allowed. The previous reasons for allowance regarding claims 9 and 10 are hereby withdrawn. Further consideration establishes that the prior art does disclose or teach said first pivot axis being spaced farther from a center plane of the chain receiving slot of the chain guide than said second pivot axis.

However, the following reasons for allowance regarding claims 9, 10, and 15 are set forth. The prior art discloses the basic apparatus as cited above but does not disclose a first link receiving recess between said first mounting flange and said mounting portion such that said first

Art Unit: 3682

link is partially disposed within said recess to be partially aligned with said first mounting flange in a direction perpendicular to said first and second pivot axes.

4. Claims 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art discloses the basic apparatus as cited above but does not disclose a first link receiving recess between said first mounting flange and said mounting portion such that said first link is partially disposed within said recess to be partially aligned with said first mounting flange in a direction perpendicular to said first and second pivot axes.

Response to Arguments

5. Applicant's arguments with respect to claims 1-8, 11-13, and 16-19 have been considered but are moot in view of the new ground(s) of rejection.

Although Juy '012 does not disclose the positioning of said first mounting flange and said second mounting flange relative to a plane perpendicular to said second pivot axis and passing through the center of said mounting portion, Kondo '425 discloses such an arrangement.

Similarly, Kondo '425 also discloses said first pivot axis substantially coincident with a center plane of the frame that extends substantially parallel to said first pivot axis.

Art Unit: 3682


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

tpm 
01 April 2004


DAVID A. BUCCI 4/2/04
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1000